

**MINUTES OF  
MISSISSIPPI TORT CLAIMS BOARD  
THURSDAY, NOVEMBER 15, 2012**

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The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 1302, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

Whitley, Onetta; Acting Chairman; Deputy Attorney General, Representing Attorney General Jim Hood  
Jackson, Laura; Deputy State Treasurer, Representing Treasurer Lynn Fitch  
Kelsey, Christina; Representing Insurance Commissioner Mike Chaney, MS Insurance Department  
Upchurch, Kevin; Executive Director, MS Department of Finance and Administration

Also present were:

Donaldson, Bruce; Tort Claims Board  
Jackson, Laura; Cannon Cochran Management Services, Inc.  
Kelly, Trina; Tort Claims Board  
Logan, Jim; Tort Claims Board  
McElroy, Lea Ann; Tort Claims Board  
Wilson, Jeff; Trinity Capital  
Woodcock, J. D. "Woody"; Attorney General's Office  
Wray, Rita; Department of Finance and Administration  
Younger, Jim; Department of Public Safety

Motion was made by Mr. Upchurch to approve the minutes of the September 13, 2012, meeting. Mrs. Jackson seconded the motion, which passed unanimously.

Under Old Business, Mrs. McElroy reported that she had spoken with Mr. Thomas McElroy in the Governor's Office regarding the progress of finding a new Chairman. Mr. McElroy indicated that he hoped to have someone by the January 2013 Board meeting.

Under New Business, Mrs. McElroy provided a list of all 2013 Board meetings for planning and scheduling purposes.

Mr. Jim Logan presented the financial report through October 31, 2012. Assessment receipts of \$3.5 million reflect collection of 85% of the total assessment for the year. Total expenditures through October were \$1.5 million. Funds by account breakdown with \$4.58 million in the Treasury, \$305,752 in the Trustmark TPA account, and \$11.4 million in investments. Mr. Logan advised that the fund has \$6.7 million reserves, and \$9.5 million unencumbered cash. Claim payments to-date total \$338,433; legal expenses total \$397,272;

other expenses total \$7,422. The average claim paid is \$1,117 with an average reserve of \$8,744. Mr. Logan then reviewed the Budget Comparison Report by category.

Mr. Jeff Wilson reviewed the October 2012 portfolio highlights. The total portfolio of \$11.55 million reflected a yield of 1.43% at the end of October. The numbers are magnified by the "fiscal cliff" which remains unresolved. Mr. Wilson looks for rates to improve after the first of the year, and still expects to achieve 2% by fiscal year 2013 year-end.

In Mr. Milner's absence, Mrs. McElroy reviewed the Loss Control activities since the last Board meeting. Mr. Milner worked 14 days of State Fair duty. Attendance is reported at 656,118 and, for the second consecutive year, we have no known claims. This is the result of a great collaborative effort on the part of the Fair Commission, the State Fire Marshals, and Mr. Milner. Steve is in Yazoo City this week conducting Defensive Driving classes for the Department of Transportation. He will be in Newton next week and will complete all other districts in 2013. MDOT is making this training mandatory for all personnel operating vehicles statewide. We are very excited about this collaboration!

There was no Attorney General's Report.

Mrs. McElroy presented a list of 38 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mr. Upchurch made a motion to approve the list and Mrs. Jackson seconded the motion, which passed by unanimous vote.

Mr. Donaldson presented the Claims Report regarding the case of the Estate of Kenneth Bliss v. Mississippi Department of Mental Health/Jaquith Nursing Home. Claimant's attorney made a demand for \$250,000. Staff recommendation, and that of our defense attorney, is to approve this settlement amount. Following a review of the facts and discussion, Mr. Upchurch made a motion to approve the settlement recommendation of \$250,000. Mrs. Kelsey seconded the motion, which passed by unanimous vote.

There being no further business to come before the Board, the meeting was adjourned.

  
MIKE CHANEY, BOARD MEMBER

  
TRUDY FISHER, BOARD MEMBER

Dickie Fitch, Asst. State Treasurer  
LYNN FITCH, BOARD MEMBER

for [Signature]  
JIM HOOD, BOARD MEMBER

Albert Santa Cruz  
ALBERT SANTA CRUZ, BOARD MEMBER  
by James W. Young, Jr.

Kevin J. Upchurch  
KEVIN J. UPCHURCH, BOARD MEMBER

**Mississippi Tort Claims Board**  
**Thursday, November 15, 2012 – 1:30 P.M.**

**AGENDA**

- I.** Approval of Minutes
  - A. September 13, 2012
- II.** Old Business
- III.** New Business
- IV.** Financial Reports
  - A. Financial Report – Jim Logan
  - B. Investment Report – Jeff Wilson
- V.** Loss Control – Steve Milner
- VI.** Attorney General’s Report – Lea Ann McElroy
- VII.** Certificates of Coverage – Lea Ann McElroy
- VIII.** Claims Report – Bruce Donaldson
- IX.** Adjournment

**Next meeting date and time: January 10, 2013 – 1:30 P.M.**  
**Meeting location: Suite 138, Conference Center North, Woolfolk Building, Jackson, MS**

**MINUTES OF  
MISSISSIPPI TORT CLAIMS BOARD  
THURSDAY, SEPTEMBER 13, 2012**

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The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

Lanford, Mike; Acting Chairman; Deputy Attorney General, Representing Attorney  
General Jim Hood  
Chaney, Mike; Commissioner, MS Insurance Department  
Jackson, Laura; Deputy State Treasurer, Representing Treasurer Lynn Fitch  
Kelsey, Christina; Representing Insurance Commissioner Mike Chaney, MS Insurance  
Department  
Upchurch, Kevin; Executive Director, MS Department of Finance and Administration

Also present were:

Donaldson, Bruce; Tort Claims Board  
Hopson, Senator Briggs; Senate  
Jackson, Laura; Cannon Cochran Management Services, Inc.  
Kelly, Trina; Tort Claims Board  
Logan, Jim; Tort Claims Board  
McElroy, Lea Ann; Tort Claims Board  
Wilson, Jeff; Trinity Capital  
Woodcock, J. D. "Woody"; Attorney General's Office  
Wray, Rita; Department of Finance and Administration  
Younger, Jim; Department of Public Safety

Motion was made by Commissioner Chaney to approve the minutes of the July 19, 2012, meeting. Mr. Lanford seconded the motion, which passed unanimously.

There was no Old Business.

There was no New Business.

Mr. Jim Logan presented financial reports, including final numbers for fiscal year 2012 (including the lapse period) as well as the current cash flow analysis for fiscal year 2013 through August 31, 2012. One reporting change for the new year is a breakdown of Cash, including \$1.39 million in the Treasury, \$251,113 in the Trustmark TPA account, and \$11.5 million in investments. Mr. Logan advised that the fund has \$7.4 million reserves, and \$5.7 million unencumbered cash. Claim payments to-date total \$146,346; legal expenses total \$169,788; other expenses total \$4,167. The average claim paid is \$732 with an average reserve of \$9,948. Mr. Logan and Mr. Donaldson discussed reserves with Board members.

Mr. Jeff Wilson reviewed the August 2012 portfolio highlights. The total portfolio of \$11.5 million reflected a yield of 1.8% at the end of August. Mr. Wilson still expects to achieve 2% for fiscal year 2013.

In Mr. Milner's absence, Mrs. McElroy reviewed the Loss Control activities since the last Board meeting. Mr. Milner is on the Coast following up after Hurricane Isaac. He will participate in a State Fair planning meeting September 27<sup>th</sup> with the Fair Commission and State Fire Marshals. The 153<sup>rd</sup> Mississippi State Fair kicks off October 3<sup>rd</sup> and runs through October 14<sup>th</sup>.

Commissioner Chaney praised defense attorney Jim Metz for his work with the Daniel Fillingame v. Mississippi Department of Insurance (State Fire Academy) case.

Mrs. McElroy presented one (1) attorney for inclusion in the approved Attorney Register: Stephanie C. Edgar of Jones, Walker, Waechter, Poitevent, Carrère & Denègre L.L.P. Ms. Edgar meets the eligibility requirements of the Board and staff recommends approval. Commissioner Chaney moved to approve and Mr. Upchurch seconded. The motion passed unanimously.

Mrs. McElroy presented a list of 64 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mrs. Jackson made a motion to approve the list and Commissioner Chaney seconded the motion, which passed by unanimous vote.

Mr. Donaldson presented the Claims Report regarding the case of Clyde Beard v. Mississippi Department of Corrections. Claimant's attorney made a demand for the statutory limit of \$500,000. Staff recommendation is to consider extending settlement authority in the range of \$300,000-\$400,000. Following a review of the facts and discussion, Commissioner Chaney made a motion to extend settlement authority up to \$450,000. Mr. Lanford seconded the motion, which passed by unanimous vote.

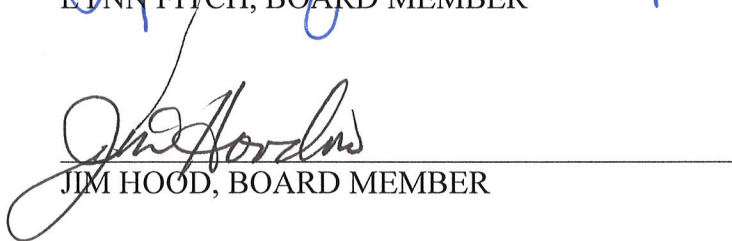
There being no further business to come before the Board, the meeting was adjourned.

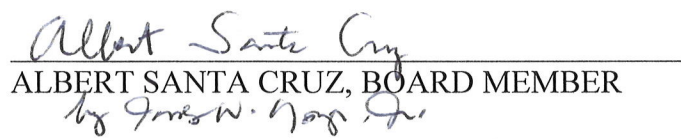
  
MIKE CHANEY, BOARD MEMBER

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TRUDY FISHER, BOARD MEMBER

  
LYNN FITCH, BOARD MEMBER

  
JIM HOOD, BOARD MEMBER

  
ALBERT SANTA CRUZ, BOARD MEMBER  
*by James W. Hays, Jr.*

  
KEVIN J. UPCHURCH, BOARD MEMBER

## **Mississippi Tort Claims Board 2013 Meeting Dates**

### **January 10, 2013**

Suite 138, Conference Center North, Woolfolk Building, Jackson, Mississippi  
1:30pm

### **March 14, 2013**

Suite 138, Conference Center North, Woolfolk Building, Jackson, Mississippi  
1:30pm

### **May 9, 2013**

Suite 138, Conference Center North, Woolfolk Building, Jackson, Mississippi  
1:30pm

### **July 11, 2013**

Suite 138, Conference Center North, Woolfolk Building, Jackson, Mississippi  
1:30pm

### **September 12, 2013**

Suite 138, Conference Center North, Woolfolk Building, Jackson, Mississippi  
1:30pm

### **November 14, 2013**

Suite 138, Conference Center North, Woolfolk Building, Jackson, Mississippi  
1:30pm

**MISSISSIPPI TORT CLAIMS BOARD**  
**Combined Financial Report - Fiscal Year 2013**  
**Fund 3080**

**-----CASH FLOW ANALYSIS-----**

	September	October	Year-To-Date
<b>REVENUE:</b>			
Assessments Received	0.00	3,547,723.80	3,547,723.80
Interest	1,423.91	1,999.26	5,531.60
Investment Interest	20,000.01	5,445.63	48,485.37
Workers Comp Service Fees	0.00	7,446.10	7,446.10
Prior Year Cancelled Warrant	45.00	377.00	422.00
Transfer In Funds	0.00	250,000.00	500,000.00
<b>Total Revenue</b>	<b>\$ 21,468.92</b>	<b>\$ 3,812,991.79</b>	<b>\$ 4,109,608.87</b>
<b>EXPENSES:</b>			
Claim Losses - TCB and TPA	148,835.03	43,251.54	338,432.52
Legal Expenses - TCB and TPA	52,894.56	174,589.07	397,271.55
Other Expenses - TCB and TPA	1,993.00	1,261.70	7,421.95
Administrative Expenses Paid	61,340.69	52,708.73	300,639.83
Transfer of Funds - Out	0.00	250,000.00	500,000.00
<b>Total Expenses</b>	<b>\$ 265,063.28</b>	<b>\$ 521,811.04</b>	<b>\$ 1,543,765.85</b>
<b>FUNDS ON HAND:</b>			
Beginning Balance	\$ 13,178,069.03	\$ 12,934,474.67	
Revenue	21,468.92	3,812,991.79	
Expenses	(265,063.28)	(521,811.04)	
Adjustments	0.00	0.00	
<b>Total Funds</b>	<b>\$ 12,934,474.67</b>	<b>\$ 16,225,655.42</b>	
Cash in Treasury	\$ 1,432,542.68	\$ 4,518,240.15	
Investment in Treasury	\$ 11,401,663.00	\$ 11,401,663.00	
TPA Trustmark Bank Balance	100,268.99	305,752.27	
<b>Total Funds By Account</b>	<b>\$ 12,934,474.67</b>	<b>\$ 16,225,655.42</b>	
Less Reserves	<b>\$ 7,167,150.63</b>	<b>\$ 6,723,801.37</b>	
<b>Unencumbered Funds Available</b>	<b>\$ 5,767,324.04</b>	<b>\$ 9,501,854.05</b>	

**-----CLAIMS/RESERVES DETAIL (Year-To-Date)----**

	MTCB	CCMSI	TOTAL
Claims - Payments	\$ 1,358.58	\$ 337,073.94	\$ 338,432.52
Claims - Legal Expenses	397,271.55	-	397,271.55
Claims - Other Expenses	-	7,421.95	7,421.95
<b>Total Paid Out to Date</b>	<b>\$ 398,630.13</b>	<b>\$ 344,495.89</b>	<b>\$ 743,126.02</b>
<b>OUTSTANDING RESERVES</b>	<b>87,787.77</b>	<b>6,636,013.60</b>	<b>6,723,801.37</b>
<b>Total Claims &amp; Reserves</b>	<b>\$ 486,417.90</b>	<b>\$ 6,980,509.49</b>	<b>7,466,927.39</b>
Number of Claims Created	0	421	421
Number of Claims Paid	4	299	303
Total Open Claims	26	743	769
<b>AVG. CLAIM \$ / # CLAIMS PAID</b>	<b>\$339.65</b>	<b>\$1,127.34</b>	<b>\$ 1,116.94</b>
<b>AVG. RESERVE / OPEN CLAIMS</b>	<b>\$3,376.45</b>	<b>\$8,931.38</b>	<b>\$ 8,743.56</b>

NOTE: Information represents combined operations for Treasury Fund 3080 and the Trustmark account (utilized by CCMSI).

**MISSISSIPPI TORT CLAIMS BOARD**

## Budget Comparison Report

Treasury Fund 3080

Fiscal Year 2013

Expenses:	Total Budget	September 2012	October 2012	Year To Date Expenditures	Ending Balance	Percent Expended
A1-Salaries	\$ 530,756.00	\$ 40,450.28	\$ 40,450.28	\$ 168,153.16	\$ 362,602.84	31.68%
A2-Travel	10,000.00	2,992.48	0.00	3,491.22	6,508.78	34.91%
B-Contractual	4,710,264.00	69,406.10	186,095.51	523,378.11	4,186,885.89	11.11%
C-Commodities	8,300.00	1,360.64	735.76	2,817.99	5,482.01	33.95%
D2-Capital Outlay	3,500.00	0.00	0.00	0.00	3,500.00	0.00%
E-Subsidies	4,000,000.00	0.00	250,000.00	501,358.58	3,498,641.42	12.53%
<b>SUBTOTAL</b>	<b><u>\$ 9,262,820.00</u></b>	<b><u>\$ 114,209.50</u></b>	<b><u>\$ 477,281.55</u></b>	<b><u>\$ 1,199,199.06</u></b>	<b><u>\$ 8,063,620.94</u></b>	<b><u>12.95%</u></b>
TPA Expended		<u>150,853.78</u>	<u>44,529.49</u>	<u>344,566.79</u>		
<b>TOTAL Expended</b>		<b><u>\$ 265,063.28</u></b>	<b><u>\$ 521,811.04</u></b>	<b><u>\$ 1,543,765.85</u></b>		

# **TRINITY**

TRINITY CAPITAL INVESTORS

November 1, 2012

Mr. Jim Logan  
Mississippi Tort Claims Board  
P O Box 267  
Jackson, MS 39205-0267

Re: October 2012 Portfolio Highlights

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Total Portfolio		\$11,557,730 + accrued
Fiscal YTD Internal Rate of Return		.421%
Current Portfolio Yield		1.43%
Weighted Average Life		Approximately 2.8 years
YTD Interest Earned	Fiscal Year	48486
Accrued Interest		49730

Security Inventory  
Booking Report  
October 2012  
**MISSISSIPPI TORT CLAIMS FUND**

Security Group	Type	Par Value	Book Value/ Cost
AGEN	FNMA	5,700,000	5,691,697.00
	AID	250,000	268,427.50
	FHLB	800,000	799,550.00
	FFCB	200,000	202,304.00
	FHLMC	500,000	500,735.00
CMO	GNMA	2,212,998	2,608,367.16
	GN ARM	708,736	377,740.66
	GN FLOATER	474,564	151,740.94
	FHR	385,039	372,133.24
INTEREST			5,445.63
CASH			585,034.22
			11,557,729.72

Transfer:



**STATE OF MISSISSIPPI**  
HALEY BARBOUR, GOVERNOR

**MISSISSIPPI TORT CLAIMS BOARD**  
J. KIRKHAM POVALL, CHAIRMAN

MIKE CHANEY, Commissioner  
Insurance Department  
TRUDY FISHER, Executive Director  
Department of Environmental Quality  
LYNN FITCH, Treasurer  
Department of Treasury

JIM HOOD, Attorney General  
Office of Attorney General  
ALBERT SANTA CRUZ, Commissioner  
Department of Public Safety  
KEVIN J. UPCHURCH, Executive Director  
Department of Finance and Administration

**MEMORANDUM**

**TO:** MS Tort Claims Board  
**FROM:** Steve Milner  
**DATE:** November 15, 2012  
**RE:** Loss Control Report

Since the last Board meeting, loss control services for the Tort Claims Board and the State Agencies Self-Insured Workers' Compensation Trust included:

- 4 Defensive Driving Classes
- 11 State Property/Leased Property Inspections
- 4 Ride-a-longs
- 9 Ergonomic Assessments
- 5 Highway Construction Safety Assessments
- 13 Accident Investigations
- 5 State Office Building Construction Safety Assessments
- 14 Days State Fair Safety Duty



STATE OF MISSISSIPPI  
HALEY BARBOUR, GOVERNOR

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Department of Public Safety  
KEVIN J. UPCHURCH, Executive Director  
Department of Finance and Administration

MEMORANDUM

**TO:** Mississippi Tort Claims Board  
**FROM:** Lea Ann McElroy  
**DATE:** November 15, 2012  
**RE:** Political Subdivisions – Certificate of Coverage

**RECOMMENDATION:** Staff recommends approval of 38 political Subdivisions shown on attached list.

# MISSISSIPPI TORT CLAIMS BOARD

THURSDAY, NOVEMBER 08, 2012

## Political Subdivisions Recommended for Renewal of Certificates of Coverage

Adams County Board of Supervisors  
Biloxi City Clerk  
Clermont Harbor-Lakeshore Fire Protection District  
Cleveland City Clerk  
Delta Regional Medical Center  
Eden City Clerk  
Farmhaven Volunteer Fire Department  
Goodman City Clerk  
Greene County Board of Supervisors  
Greenwood-Leflore Library  
Gulfport City Clerk  
Harrison County Board of Supervisors  
Hinds County Fire Service  
Jackson County Fire District  
Jefferson County Fire District  
Jefferson Davis County Board of Supervisors  
Jones County Fire Council, Inc.  
Lauderdale County E-911  
Leflore County Board of Supervisors  
Marshall County Board of Supervisors  
Meridian Community College  
Mississippi Coast Area Transit Authority  
Monroe County Board of Supervisors  
Nesbit Volunteer Fire Department, Inc.  
Newton County Board of Supervisors  
North Delta Planning & Development District  
Northeast Lamar Fire Station  
Noxubee County Board of Supervisors  
Pine Belt Regional Solid Waste Management Authority  
Pontotoc County Board of Supervisors  
Quitman City Clerk  
Singing River Mental Health/Mental Retardation Services

South Lee Volunteer Fire Protection District  
Union County Board of Supervisors  
Warren County Board of supervisors  
Webster County Board of Supervisors  
Webster County Fire Service  
Magnolia Regional Health Center

TOTAL PRINTED: 38